

REMARKS

Applicants have reviewed the Office Action, and made selected changes to the application in response thereto. Reexamination and reconsideration of the application as amended are requested.

With regard to the non-art issues, the title of the invention has now been amended to identify the technical feature of the present application.

The term "a wing portion" has been deleted from the claims so that the specification objection is now deemed moot.

With regard to the art rejections, claims 1, 2, and 5-9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,135,124 – Wobser ("Wobser") or by U.S. Patent No. 6,234,338 – King ("King"). In addition, claims 1-4, 6, 7, 9, and 12 were rejected under 35 U.S.C. §102(b) by U.S. Patent No. 6,015,062 – Bachmann, et al. ("Bachmann"). In addition, claims 10 and 11 were rejected as being unpatentable under 35 U.S.C. §103 over Wobser or King, while claims 5, 8, 10, and 11 are rejected under 35 U.S.C. §103 in light of Bachmann as modified by Wobser. These rejections are respectfully traversed, and the amendments are deemed to define over any fair teaching of these references.

More particularly, claim 1 has been amended to identify that the neck lugs are circumferentially spaced (see support at page 10, lines 4-8 and associated Figures), and that the neck lugs have a first set of a first conformation (see Figure 5 for example) and at least one lug (a second neck lug) having a different conformation. The second neck lug has a surface that allows at least one of the cap lugs to release from a neck lug and free a segment of the seal member. Such is not the case in Wobser, in which the neck lugs 30A are all identical on the bottle. Similarly, each of the neck lugs in King is identical, while Bachmann also does not show different conformations of neck lugs. Accordingly, claim 1 and claims dependent therefrom define over a fair teaching of Wobser, King, or Bachmann, as well as any combination of these references.

Similarly, independent claim 6 has been amended to highlight the second set of neck lugs that have a conformation different than the first set and in which the lower surface is at a second distance closer to the surrounding curl. In this manner, at least one of the cap lugs as it is released is freed from sealing

engagement and initiates a vent path. Again, such is not the case in any of Wobser, King, Bachmann, or any combination thereof.

Independent claim 12 also indicates that a second set of neck lugs are provided that have a conformation different than the first set. The same arguments as advanced above apply.

Accordingly, each of the claims now remaining defines over any fair teaching attributable to the references. It is respectfully submitted that any attempt to construe the prior art otherwise is impermissibly based on hindsight reconstruction.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is earnestly solicited.

Respectfully submitted,

FAY SHARPE LLP

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Date

Timothy E. Nauman
Timothy E. Nauman
Reg. No. 32,283
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115
(216) 363-9000